

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERADATA CORPORATION, et al.,
Plaintiffs,
v.
SAP SE, et al.,
Defendants.

Case No. 18-cv-03670-WHO (JCS)

**ORDER REGARDING
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Re: Dkt. No. 296

Plaintiffs Teradata Corporation; Teradata US, Inc.; and Teradata Operations, Inc. (collectively, “Teradata”) moved to file under seal exhibits to a joint letter brief. Defendants SAP SE; SAP of America, Inc.; and SAP Labs, LLC (collectively, “SAP”) filed a responsive declaration in support of sealing some of the material at issue.

In civil action in federal court, a party generally must show “compelling reasons” to file a document under seal rather than in the public record. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016). Where discovery documents designated as confidential under a protective order are filed in connection with a motion that is not “more than tangentially related to the underlying cause of action,” however, a lower standard of “good cause” may suffice to warrant sealing. *See id.* at 1097, 1101. The “good cause” standard is often applied to “discovery-related motions,” and is appropriate here. *See id.* at 1097. Requests to file under seal “must be narrowly tailored to seek sealing only of sealable material,” which often requires redactions rather than sealing of documents in their entirety. *See Civ. L.R. 79-5(b)*.

Teradata moves to seal Exhibit 2 based on SAP’s designation of confidentiality. In his responsive declaration, SAP’s attorney Tharan Gregory Lanier asserts only that the portions of that exhibit from line 8 of page 30 through line 1 of page 31, and from line 1 through line 8 of

page 36, should be sealed to protect technical details of SAP's proprietary products. *See* Lanier Decl. (dkt. 300) ¶ 2. The Court has reviewed that material and finds good reason for sealing those narrowly-tailored portions of Exhibit 2. Teradata's motion is GRANTED as to those portions of the exhibit, and DENIED as to the remainder of Exhibit 2. Teradata shall file a public version of Exhibit 2 no later than October 8, 2020, redacting only the portions identified in Lanier's declaration.

Teradata moves to seal the entirety of Exhibit 8 based on its attorney Mary Prendergast's declaration that the exhibit "describes in detail the trade secrets that SAP misappropriated from Teradata based on Teradata's investigation to date, and therefore includes highly sensitive trade secret information that, if made public, would significantly prejudice Teradata." Prendergast Decl. (dkt. 296-1) ¶ 2. Although much of the exhibit consists of technical details and internal discussions regarding product development, which the Court finds good cause to seal, the exhibit also includes other material such as interrogatories posed by SAP, legal objections by Teradata, and basic descriptions of Teradata's business model that do not appear to include sensitive information. The Court is therefore not persuaded that the request to seal the entire exhibit is narrowly tailored as required by Civil Local Rule 79-5(b). Teradata is ORDERED TO SHOW CAUSE why its motion to seal Exhibit 8 should not be denied, by filing a response no later than October 8, 2020 identifying the sensitive portions of that exhibit that warrant sealing.

Teradata moves to seal Exhibit 9 based on SAP's designation of confidentiality. Lanier's responsive declaration states that SAP does not seek to seal this exhibit. Lanier Decl. ¶ 3. Teradata's motion is therefore DENIED as to Exhibit 9, and Teradata shall file that exhibit unredacted in the public record no later than October 8, 2020.

IT IS SO ORDERED.

Dated: October 1, 2020


 JOSEPH C. SPERO
 Chief Magistrate Judge